
Section IX - District Rules [ORC Section 3734.53(C)]

A. Existing Rules

According to Ohio Revised Code 3734.53 (C) (1) “ The solid waste management plan of a county of joint district may provide for the adoption of rules under division (F) of section 343.01 of the Revised code after approval of the plan under section 3734.55 of the Revised Code:

1. Prohibiting or limiting the receipt at facilities covered by the plan of solid wastes generated outside the district or outside a prescribed service area consistent with the projections under divisions (A)(6) and (7) of this section, except that the director of environmental protection may issue an order modifying a rule adopted under division (C) (1) of this section to allow the disposal in the district of wastes from another county or joint solid waste management district if all of the following apply:
 - a) The district in which the wastes were generated does not have sufficient capacity to dispose of solid wastes generated within it for six months following the date of the director’s order
 - b) No new solid waste facilities will begin operation during those six months in the district in which the wastes were generated and, despite good faith efforts to do so, it is impossible to site new solid waste facilities within the district because of its high population density;
 - c) The district in which the wastes were generated has made good faith efforts to negotiate with other districts to incorporate its disposal needs within those district’ solid waste management plan, including efforts to develop joint facilities authorized under section 343.02 of the Revised Code, and the efforts have been unsuccessful;
 - d) The district in which the wastes were generated has located a facility willing to accept the district’s solid wastes for disposal within the receiving district;
 - e) The district in which the wastes were generated has demonstrated to the director that the conditions specified in divisions (C)(1) of this section shall not become final until thirty days after it has been served by certified mail upon the country (county) or joint solid waste management district that will receive the out-of-district wastes.”

The District is not currently proposing any rules regarding the prohibition or limitation of out-of-District solid waste at the facilities covered in this Plan. The District shall adopt such rules in the future in cooperation with the Mahoning County Board of Health. Rules promulgated shall be consistent with the handling of waste generated inside the District.

According to Ohio Revised Code 3734.53 (C) (2) “The solid waste management plan of a county or joint district may provide for the adoption of rules under division (F) of section 343.01 of the Revised code after approval of the plan under section 3734.55 of the Revised Code:

- 1) Governing the maintenance, protection, and use of solid waste collection and solid waste disposal, transfer, recycling, and resource recovery facilities within the district and requiring the submission of general plans and specifications for the construction, enlargement, or modification of any such facility to the board of county commissioners or board of directors of the district for review and approval as complying with the plan or amended plan of the district;”

The District is not proposing any rules as described in this section concerning the maintenance, protection and use of solid waste facilities. The District shall adopt such rules in the future in cooperation with the Mahoning County Board of Health.

According to Ohio Revised Code 3734.53 (C) (3) “The solid waste management plan of a county or joint district may provide for the adoption of rules under division (F) of section 343.01 of the Revised Code after approval of the plan under section 3734.55 of the Revised Code:

- 1) Governing development and implementation of a program for the inspection of solid wastes generated outside the boundaries of the state that are being disposed of at solid waste facilities included in the district’s plan;”

At this time, the District is not proposing any rules allowed under this section concerning the inspection of out-of-state waste. The District shall adopt such rules in the future in cooperation with the Mahoning County General Health District to implement the out-of-state Solid Waste Inspection Program.

According to Ohio Revised Code 3734.53 (C) (4) “The solid waste management plan of a county of joint district may provide for the adoption of rules under division (F) of section 343.01 of the Revised code after approval of the plan under section 3734.55 of the Revised Code:

- 1) Exempting the owner or operator of any solid waste facility or propose solid waste facility provided for in the plan from compliance with any amendment to a township zoning resolution adopted under section 519.2 of the Revised Code or to a county rural zoning resolution adopted under section 303.12 of the Revised Code that rezoned or redistricted the parcel or parcels upon which the facility is to be constructed or modified and that became effective within two years prior to the filing of an application for a permit required under division (A)(2)(a) of section 3734.05 of the Revised Code to open a new or modify an existing solid waste facility.”

The District is not proposing nor authorizing the adoption of rules allowed under this section concerning the exemption of owners or operators of solid waste facilities or proposed solid waste facilities from zoning amendments.

B. Proposed Rules

There are no proposed District rules anticipated at this time.